

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN,

Defendant,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff,
Appellee.

§

§ No. 617, 2018

§

§ Court Below—Superior Court
§ of the State of Delaware

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§ Cr. ID No. 0908020496 (N)

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Submitted: January 11, 2019

Decided: January 23, 2019

ORDER

On December 20, 2018, the appellant, Peter Kostyshyn, filed a notice of appeal from a Superior Court order, dated December 4, 2018, requiring him to receive restoration of competency treatment at Delaware Psychiatric Center for a contested violation of probation hearing and an amended Superior Court order, dated December 10, 2018, requiring him to undergo an evaluation at the Department of Correction to determine whether his competency can be restored, a report to be filed within 30 days, and the State to notify the Superior Court of the maximum expiration date of Kostyshyn's sentences. On December 21, 2018, the Senior Court Clerk issued a notice directing Kostyshyn to show why this appeal should not be dismissed based on: (i) this Court's lack of jurisdiction to hear a criminal interlocutory appeal; (ii) his representation by counsel in the Superior Court proceedings; and (iii) his

failure to comply with this Court's July 16, 2013 order requiring him to include the filing fee or a properly completed motion to proceed *in forma pauperis* with *pro se* filings relating to his criminal cases. Kostyshyn did not respond to the notice to show cause within the required the ten-day period, making dismissal deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(c), that this appeal is DISMISSED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice